

**PERMANENT RULES OF ORDER
OF THE BOARD OF
COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE**
(As Last Amended by the County Commission as Item No. 46, on June 16, 2008)
Amendments Approved in Ad Hoc Committee Meetings of 8-6-08, 8-20-08, and 9-17-08

1. OFFICERS

The County Commission shall elect from the Commissioners a Chair and a Chair pro-tempore annually at the first meeting of the County Commission in July after the salary has been fixed by the County Commission. Notwithstanding the foregoing, in the years in which the County Commission is elected by the people, the election of Officers shall be held during the first meeting in September following the swearing in of the County Commission.

The officers so elected shall take office at the first meeting of the County Commission in September following their election. The term "Chair" as used in these Rules means the Chairman or Chairwoman as appropriate.

2. ELECTION OF OFFICERS

The election of officers shall be in compliance with the rules for elections by the County Commission as established pursuant to the Shelby County Charter, Article II, Section 2.03 (D), provided however that any election conducted hereunder shall not be an election in which the public can make nominations as provided in the Shelby County Charter, Article II, Section 2.08.

3. DUTY OF THE CHAIR TO CONVENE THE COUNTY COMMISSION
AND QUORUM

The Chair shall call the Commissioners to order at the day and hour to which the County Commission has been adjourned, and shall have the Clerk call the roll. Upon the appearance of a quorum, the Chair shall cause the reading of the minutes of the preceding session to be dispensed with unless such reading is required by a majority vote of the Commissioners present and voting. A Motion may be made to correct and/or approve the minutes of the preceding session, either of which may be approved upon a vote of a majority of the membership of the County Commission. A quorum shall consist of a majority of the elected Commissioners of the County Commission.

4. OTHER DUTIES OF THE CHAIR

(a) Direction & Appeals. The Chair shall have general direction of the Chamber and shall preserve order and decorum. The Chair may speak to a point of order before other Commissioners, and shall decide questions of order subject to appeal by any Commissioner to the County Commission. Appeals shall be decided by majority vote of the Commissioners present and voting. The Chair shall state or put the question before the vote is taken.

(b) Chair as an advocate. Should the Chair of the County Commission desire to speak upon any subject either in the negative or the affirmative he/she may do so, provided he/she vacates the chair and assumes the assigned desk of a Commissioner. In such instances, the Chair pro-tempore shall preside or if he/she be unable to preside, a Commissioner designated by the Chair, shall preside until the matter under consideration has been disposed of by the County Commission. However, without vacating the Chair the Chair may answer questions, provide information, give explanations, or suggest a proper procedural course. The Chair may also briefly comment on the merits of any issue, any Commissioner not objecting.

(c) Chair as a member of certain boards and authorities. The Chair is designated by various Acts, Ordinances, Rules and Regulations to serve as a member of certain Boards and Authorities which includes, but not limited to Shelby County Retirement Board, Memphis/Shelby County Port Commission, Memphis/Shelby County Center City Commission, Convention Center Commission, Chickasaw Basin Authority, and Shelby Farms Park Conservancy. Pursuant to the Shelby County Charter, Article II, Section 2.10, the Chair may annually appoint from the County Commission, a designee to serve in place and stead of the Chair on any of these aforementioned Boards or Commissions. All such designations made should be made at the first meeting of the County Commission following the election of the Chair.

When such designations are made, the Chair shall submit said designees to the County Commission by Resolution in order for the County Commission to reflect its approval of the designees.

(d) Bolton College Trust. The Chair of the County Commission shall serve as Chair of the Bolton College Trust.

(e) Travel. The Chair shall have the authority to approve and implement policies regarding travel and requisitions for travel by Commissioners and staff.

5. COUNTY COMMISSION OFFICE AND STAFF

(a) Senior Staff. There may be a Chief Administrator and a Deputy Administrator appointed by the County Commission to serve at its will and pleasure.

(b) Management of the Staff and Evaluation. The Chief Administrator shall, as directed by the Chair, manage the day to day work of the staff, supervise and evaluate all County Commission staff, recommend hiring and firing of staff, and prepare, distribute, and substantiate all such items of business as may come before the County Commission. All staff personnel shall be employed under the rules and regulations governing personnel in Shelby County Government. The Chief Administrator shall evaluate on a written form, with advice and counsel from the Commissioners, every member of the Commission staff at least once every twelve months. The Chair of the Commission shall also evaluate on a

written form the Chief Administrator on the same schedule. Any Commissioner who desires to submit a separate written evaluation of any staff member may do so.

(c) Final Authority over Staff. Subject to Rule 5(a), the Chair shall have the authority to appoint, discipline or take any other action that may be appropriate concerning the staff or any member thereof, provided the Chair may consult with individual Commissioners for advice as he/she deems advisable.

Notwithstanding any other provision to the contrary of these Rules or any enactment of the County Commission, the Chair is authorized to take any personnel action of any nature whatsoever with respect to any personnel position, including senior staff, of the County Commission and/or department reporting thereto that, in the judgment of the Chair, is necessary to effect any reduction and/or restriction with respect to the budget of the County Board of Commissioners and/or any department reporting thereto.

6. ORDINANCES, RESOLUTIONS AND OTHER ITEMS

(a) Ordinances and Resolutions. All ordinances and resolutions shall be referred to the appropriate committee by the Chief Administrator with the approval of the Chair.

(b) Timely Submission of Ordinances and Resolutions or other items and requirements pertaining thereto. All ordinances, resolutions or other Items except congratulatory or memorial Resolutions shall be filed with the County Commission, with all other required documents, in a timely fashion, no later than noon of the Thursday following each regular meeting of the County Commission, unless such Thursday shall be a county holiday, then on the next business day following, except by leave of the Chair of the County Commission prior to initial publication or distribution of the Agenda and items to the Commissioners, or, following that date by suspension of these Rules in accordance with Rule 27. A committee may allow an ordinance resolution or item to be added on to the agenda of the committee, however, such ordinance, resolution or item shall be designated as an add-on item as provided in these Rules, and upon objection during the County Commission session by any Commissioner any such add on item shall require suspension of these Rules in accordance with Rule 27.

(c) Required Accompanying Material. All items filed for introduction with the County Commission shall be accompanied by a concise written summary of the substance of the item. In the event that the item amends any previously adopted item, or changes any prior policy or procedure, such summary shall also contain a short statement of the changes.

(i) All such items shall also be accompanied by appropriate explanatory material and if such item is based upon the actions or recommendations of any other body, then a copy of the resolution or other statement recommending approval as well as any act or charter provision relevant thereto shall be attached.

(ii) All Items and supporting material submitted by any County official, land use case applicant, or board, commission, authority or agency of County government, shall be provided to the County Commission in electronic format and placed into the paperless agenda system prior to the meeting at which such Items will be presented for

consideration. Only handouts presented at a meeting by a citizen will be dated and scanned into the paperless agenda system by County Commission staff.

(d) Route Sheet Required. No Item which originates with a person or entity other than a Commissioner shall be filed for introduction unless accompanied by a fully completed and executed Route Sheet in the form attached as Exhibit “A” to these Rules. If any item is filed without a properly completed and fully executed Route Sheet, such item shall be deferred until the next filing deadline for submission of items to the County Commission, unless approved by approval of two-thirds of the Commissioners present.

(e) Caption of Items. All Items shall include a caption which shall contain:

(i) A concise caption identifying such Item as a Resolution or Ordinance and describing the action/approval sought by such Item;

(ii) The following statement: “Sponsored by Commissioner _____”; unless exempted under Rule 6(f); and

(iii) For those Items which authorize the expenditure of funds, a statement describing the source of the funds, such statement to be in such form and substance as shall be approved by the Chief Administrator of the County Commission from time to time.

(iv) Blanks for the name of the mover and seconder shall be filled in by the Minutes Clerk after approval of each Item.

(f) Agenda and Sponsorship of Items.

(i) The agenda for meetings shall be approved by the Chair. Staff shall promptly notify a committee Chair when an Item is added to the agenda. At the discretion of the committee Chair, an Item, except for land use cases, appeals or other matters required by law to be considered by the County Commission, may be deferred until the next committee meeting, subject to a majority vote to the contrary of those Commissioners present and voting. Such discretionary deferral by the committee Chair shall be limited to two deferrals for any particular Item.

(ii) All items shall be submitted to the County Attorney for approval as to form prior to being placed on the agenda.

(iii) No Item shall be placed on the agenda unless sponsored individually by a Commissioner, or as the Chair of the appropriate committee, except for land use cases, appeals or other matters required by law to be considered by the County Commission.

(g) Designation of Add On Items. In the preparation of the agenda for any meeting of the County Commission, any item which was added on the agenda after the initial publication and distribution of the initial agenda to Commissioners shall be marked on all subsequent versions of the agenda prepared for that Commission session as an “add on item.” and the Parliamentarian shall announce that this is an add on item before the item is considered in County Commission session.

(h) Assistance by the Chair. The Chair shall assist the County Commission by requesting such technical, legal, accounting and other necessary assistance as may be required by the County Commission collectively or individually to be able to reach any conclusions regarding items presented to the County Commission.

(i) Information. The Chair and such appropriate members of the Executive Branch of County Government and the Elected Officials of County Government shall at all times forward information to the County Commission and to individual Commissioners so that the Commission at all times shall have full access to all proposals, recommendations, projects and suggestions which may affect the individual Commissioners' districts, constituency, or the County as a whole and have appropriate information to furnish to the Commissioners as a member of a committee, board or authority. All responses to requests for proposals which are under negotiation shall be exempted from the foregoing.

(j) Information from agencies funded by County Government. All agencies, authorities and elected officials shall provide such information concerning the expenditure of public funds as shall be requested by the County Commission from time to time.

(k) Contracts. All contracts presented to the County Commission for final approval shall be reviewed by a member of the County Attorney's staff and there shall be a certification by such staff member that the contract has been reviewed and approved as to legal form.

7. APPOINTMENT OF COMMITTEES

(a) Leadership and Members of Committees. The Chair shall form committees, appoint members thereto, after entertaining membership preferences in writing, and appoint the Chair and vice-Chair of each committee, all subject to approval of the County Commission.

(b) Standing Committees. The Standing Committees of the County Commission shall be:

Committee Number 1	Budget and Finance
Committee Number 2	Public Works
Committee Number 3	Hospitals and Health
Committee Number 4	Law Enforcement, Fire, Corrections and Courts
Committee Number 5	Land Use, Planning, Transportation and Code Enforcement
Committee Number 6	Education
Committee Number 7	Economic Development and Tourism
Committee Number 8	Community Services
Committee Number 9	Conservation
Committee Number 10	General Government
Committee Number 11	Core City, Neighborhoods and Housing
Committee Number 12	Legislative
Committee Number 13	Audit
Committee Number 14	Delinquent Tax Property Committee

(c) Special Rules for Committees. The following special rules shall apply to committees:

- (i) All Commissioners will be ex officio members of all committees with the authority to vote and fully participate in all standing or ad hoc committees and subcommittees.
- (ii) A quorum of a standing committee consists of one (1) Commissioner. If only one Commissioner is present, then actions adopted by that Commissioner, without the necessity of a motion and second, shall be the actions of the Committee.
- (iii) All matters will be deemed to have been approved in committee where a majority of Commissioners present and voting yea or nay approve the matter. Commissioners present who abstain or otherwise do not participate in the vote shall not be counted.
- (iv) The Chair of any committee may appoint a subcommittee composed of some or all of the members of such committee and may appoint from the membership of the subcommittee the chair of such subcommittee. All such subcommittees shall expire upon the annual appointment of committees by the Chair of the County Commission.
- (v) A committee may approve an item and recommend passage by the County Commission; forward the item to the County Commission with a negative recommendation; forward the item to the County Commission without recommendation; or defer for a reasonable time action on the item to a subsequent meeting of the committee. In addition, the committee may amend the item. Further, no committee may kill any item and all items shall, after any appropriate deferrals for a reasonable time, be acted upon by the County Commission.
- (vi) The schedule of committee meetings shall be subject to the approval of the Chair of the County Commission.
- (vii) The Chair of the County Commission may, without the necessity of action by the County Commission, form and abolish ad hoc committees and appoint or remove the members and officers of such ad hoc committees as the Chair shall from time to time deem appropriate. The membership of Ad Hoc Committees may include persons who are not members of the County Commission, but the membership of each such Ad Hoc Committee shall include at least two (2) Commissioners. All final action of any Ad Hoc Committee shall be routed to the standing committee of the County Commission having jurisdiction over the subject matter. All such Ad Hoc committees shall expire upon the expiration of the term of office of the appointing Chair of the County Commission.

- (viii) All Permanent Rules of Order apply to standing committees as well as ad hoc committees and subcommittees created by the County Commission.
- (d) Committee Jurisdiction. The Jurisdiction of County Commission Committees is as follows:
- (i) **COMMITTEE NUMBER 1; BUDGET AND FINANCE.** This committee reviews and makes recommendations on the annual Shelby County consolidated budget, the county tax rate and the dismissing or refunding of county taxes as recommended by the County Trustee. This committee also reviews and makes recommendations on the appropriation of funds, approval of contracts and matters relating to the following departments, boards, commissions, authorities, agencies, or elected officials; Mayor and staff, Chief Administrative Office, County Attorney, Intergovernmental Coordination, Board of Equalization, Finance Department, Purchasing, Support Services, Administration & Finance Director and Staff, Information Technology, Risk Management, Trustee, Register, County Clerk, County Property Assessor and any grants or programs related to these areas.
- (ii) **COMMITTEE NUMBER 2; PUBLIC WORKS.** This committee reviews and makes recommendations on the appropriation of funds, approval of contracts and matters relating to the following departments, boards, commissions, authorities, agencies, or elected officials; the County Engineer, Ground Water, Public Works Director and Staff, Fleet Services, Landfill, Road and Bridges Department, Port & Harbor Commission, and any grants or programs related to these areas.
- (iii) **COMMITTEE NUMBER 3; HOSPITALS AND HEALTH.** The committee reviews and makes recommendations on the appropriation of funds, approval of contracts and matters relating to the following departments, boards, commissions, authorities, agencies, or elected officials; Health Department, The MED, Employee Assistance Program, and any grants or programs related to hospitals and health.
- (iv) **COMMITTEE NUMBER 4; LAW ENFORCEMENT, FIRE & CORRECTIONS & COURTS.** This committee reviews and makes recommendations on the appropriation of funds, approval of contracts and matter relating to the following departments, boards, commissions, authorities, agencies, or elected officials; Sheriff, Correction Center, Chancery Court, Circuit Court, Criminal Court, Probate Court, General Sessions Court, Juvenile Court, District Attorney General, Public Defender, Pre-Trial Release, Jury Commission, Divorce Referee, Shelby County Beer Board, Fire Department, Homeland Security, Disaster Preparedness, 911, Emergency Medical Services and any grants or programs related to these areas.

- (v) **COMMITTEE NUMBER 5; LAND USE, PLANNING, TRANSPORTATION,** AND CODES ENFORCEMENT. This committee reviews and makes recommendations on the appropriation of funds, approval of contracts and matter relating to the following departments, boards, commissions, authorities, agencies, or elected officials; Office of Planning & Development, Land Use Control Board, Board of Adjustment, Department of Codes Enforcement and any grants or programs related to these areas.
- (vi) **COMMITTEE NUMBER 6; EDUCATION** . This committee reviews and makes recommendations on the appropriations of funds, approval of contacts and matter relating to the following departments, boards, commissions, authorities, agencies, or elected officials; Shelby County Board of Education and any grants or programs related to education.
- (vii) **COMMITTEE NUMBER 7; ECONOMIC DEVELOPMENT & TOURISM.** This committee reviews and makes recommendations on the appropriation of funds, approval of contracts and matter relating to the following departments, boards, commissions, authorities, agencies, or elected officials; Industrial Development Corporation, Center City Commission, Center City Revenue and Finance Corporation, Convention Center, Mid-South Coliseum, Pyramid, Sports Authority, Public Building Authorities, FedEx Arena, Memphis/Shelby County Airport Authority and any grants or programs related to these areas.
- (viii) **COMMITTEE NUMBER 8; COMMUNITY SERVICES.** This committee reviews and makes recommendations on the appropriation of funds, approval of contracts and matters relating to the following departments, board, commissions, authorities, agencies, or elected officials; Community Services Agency, Head Start Program, Veterans Services, Office on Aging, and any grants or programs related to these areas.
- (ix) **COMMITTEE NUMBER 9; CONSERVATION.** This committee reviews and makes recommendations on the appropriation of funds, approval of contracts and matters relating to the following departments, boards, commissions, authorities, agencies, or elected officials; Conservation Board, Shelby Farms , Agricenter Commission, Chickasaw Basin Authority, Soil Conservation, Agricultural Extension Services and any grants or programs related to these areas.
- (x) **COMMITTEE NUMBER 10; GENERAL GOVERNMENT**
This committee reviews and makes recommendations on the appropriation of funds, approval of contracts and matters relating to the following departments, boards, commissions, authorities, agencies, or elected officials; Operations of the County Commission, Human Resources Department, Shelby County Retirement Board, Unified Personnel Policy Committee, Equal Employment Opportunity Department, Election Commission and Public Affairs Department and any grants or programs related to these areas. In addition, this committee reviews and

recommends to the full commission action on all appointments by the Mayor to positions and individuals for membership on all Boards and Agencies in instances where action by the County Commission is required.

- (xi) **COMMITTEE NUMBER 11; CORE CITY, NEIGHBORHOODS AND HOUSING.** This committee reviews and makes recommendations on the approval of contracts and matters relating to and the following departments, boards, commissions, authorities, agencies or elected officials; Department of Housing, Economic & Resource Development Department, Shelby County Housing Authority, and any grants or programs related to these areas, and to review, develop plans and make recommendations with respect to initiatives to remedy urban blight, dilapidated structures and improvements in the infrastructure in neighborhoods.
- (xii) **COMMITTEE NUMBER 12; LEGISLATIVE.** This committee reviews and makes recommendations on all bills, resolutions or items submitted by Shelby County Government, or any official or appointee thereof, or any position taken by Shelby County Government on any matter pending before the Tennessee General Assembly or Congress. The committee also reviews and makes recommendations on all proposed amendments to the Shelby County Home Rule Charter.
- (xiii) **COMMITTEE NUMBER 13; AUDIT.** This committee reviews and makes recommendations with respect to the contract for the independent audit of the accounts and other evidences of financial transactions of the county and of every County office and such special audits as deemed necessary as outlined in Article II Section 2.02 B of the Charter of Shelby County. The committee also reviews, and makes recommendations with respect to, the results of the foregoing county audit and also any audits undertaken by the internal county auditor.
- (xiv) **COMMITTEE NUMBER 14; DELINQUENT TAX PROPERTY.** This committee, as provided in Tennessee Code Annotated Section 67-5-2507, is composed of four Commissioners of the County Commission. The committee shall place a fair price on each tract of land acquired by the County through delinquent tax sales and may authorize the transfer of delinquent tax parcels to the Shelby County Homestead Program by approval of a resolution signed by the Mayor. The committee shall also take such other actions as are allowed or required by the applicable statutes.

8. **ABSENCE OF THE CHAIR**

If the Chair shall be absent or unable to preside, the Chair pro-tempore shall assume the chair and the powers and duties of the Chair. If the Chair pro-tempore is also absent or unable to preside, the Clerk shall call the meeting to order, accept nominations and then call the roll for the election of a temporary Chair.

9. DEATH OR RESIGNATION OF AN OFFICER

In the event of the death or resignation of the Chair, the Chair pro-tempore shall assume the duties of Chair until a new election can be held for the purpose of electing the Chair. If a vacancy occurs in the office of Chair pro-tempore, a new election shall be held.

10. ORDER OF BUSINESS IN COUNTY COMMISSION SESSION

The Chair shall call the Commissioners to order and shall then call for:

- (a) Opening of the Commission by the Sheriff or other persons designated by the Chair
- (b) The clerk to call the roll;
- (c) Motion to approve the minutes of the previous County Commission session. The Reading of the minutes, shall not be read unless such reading is required by a majority vote of the Commissioners present and voting,
- (d) Consent Section of the Agenda;
 - (i) Resolutions of memorials, sympathy and commendations;
 - (ii) All other Items properly on the Consent Agenda
- (e) Elections, appointments and confirmations;
- (f) Resolutions and/or Ordinances to be acted thereon by the County Commission;
- (g) Announcements and statements.
- (h) Adjournment

11. DUTIES OF COMMISSIONERS TO CHAIR; RECOGNITION

(a) General Rules on Recognition. Commissioners shall address the Chair from their desk. No Commissioner shall be recognized by the Chair unless the Commissioner is seated in his/her proper place, or at the well used by the public to address the Commission. The Commissioner who shall first address the Chair shall be entitled to speak first, but when two (2) or more Commissioners shall seek recognition at the same time, the Chair shall name the Commissioner who shall speak first. When any Commissioner is about to speak or deliver any matter whatsoever to the County Commission, the Commissioners shall respectfully address themselves to the Chair, and after being recognized by the Chair shall proceed, confining remarks strictly to the question under debate, and avoiding all personal references to other Commissioners. No Commissioner shall address another Commissioner on the floor in the second person, absent permission from the Chair.

(b) Limits on Recognition and Debate. No Commissioner shall speak more than twice on the same subject without leave of the Chair. Commissioners who have once spoken shall not be entitled to speak again to the exclusion of another who has not spoken except for purposes of explanation or parliamentary inquiry or point of order. No Commissioner, except a committee Chair or a sponsor of an Item in a committee meeting, shall speak longer than ten minutes in the first speech and ten minutes in the second on any questions unless by consent of the County Commission.

(c) Mulroy Method of Recognition. Notwithstanding any other rule of the Commission, the Chair of the Commission, or the Chair of a Committee, may in his/her discretion on any Item under consideration recognize Commissioners out of the order in which such Commissioners sought recognition in order to allow a Commissioner to answer questions, or to allow subsequently recognized Commissioners to express their opinions in the same line of debate as a previous speaker on any proposition or viewpoint. This method of recognition shall be known as the “Mulroy Method” of recognition and debate.

12. TRANSGRESSION OF RULES BY COMMISSIONERS

If any Commissioner, speaking or otherwise, transgress the rules of the County Commission, the Chair shall (or any Commissioner) call the Commissioner to order. The Commissioner so called to order shall immediately cease speaking unless permitted to explain while awaiting the ruling on the point. The point of order shall be decided by the Chair, subject to an appeal by any Commissioner to the County Commission. After the decision is rendered, the Commissioner having the floor may proceed if the ruling be in favor of the Commissioner.

13. ATTENDANCE OF COMMISSIONERS REQUIRED

No Commissioner shall be absent from any session of the full County Commission without first giving notice to the Chair.

14. PUBLIC ACCESS TO THE COUNTY COMMISSION

All County Commission meetings and committee meetings shall be held in accordance with the Open Public Meetings law of the State of Tennessee. For purposes of complying with said law, forty-eight (48) hours is deemed adequate public notice. Members of the public who desire to address the County Commission shall request such permission from the Chair directly or through a Commissioner. The Chair may set a time limit for discussion by the non-member. All non-members shall be permitted to address the County Commission unless the non-member is ruled out of order or unless a majority of the Commissioners present and voting vote not to permit the person the opportunity to speak. Members of the public or applicants may submit exhibits to their presentations before the County Commission on any land use matter and such exhibits shall be made a part of the record.

15. EVERY MOTION TO BE SECONDED

Every motion must be seconded by a Commissioner other than the proponent of the motion and upon failure of a second, the Chair shall declare the motion failed for lack of a second.

16. REDUCTIONS OF MOTIONS TO WRITING

Any Commissioner may require any motion to be reduced to writing, delivered to the Clerk and read and/or distributed to other Commissioners who are present prior to debate upon the motion.

17. DEBATABLE MOTIONS

All motions shall be subject to debate excepting the following: Motion to adjourn; Motion to lay on the table; and Motion for the previous question. However, the proponent of any measure sought to be tabled shall have the right to be heard after the motion to table is made and before the motion to table is put to a vote.

18. PRECEDENCE OF MOTIONS

When any question or motion is under debate by the County Commission, only motions permitted by Roberts Rules of Order, latest revised edition, may be entertained by the Chair and the County Commission.

19. PREVIOUS QUESTION

The previous question shall be put in this form: "Shall the previous question be adopted" If the question is approved by two-thirds (2/3) of the Commissioners present and voting, it precludes any additional amendments and terminates debate on the main question, thereby bringing the County Commission to a direct vote on the question which prompted the call.

In all debates upon resolutions/ordinances or other actions immediately prior to the vote on the matter, the Commissioner who moved adoption of the resolution/ordinance or item shall have the right to speak last on the resolution/ordinance or item and no call for the previous question shall terminate that right.

20. MOTION TO RECONSIDER

When a question has been made and carried either affirmatively or negatively, any Commissioner voting with the prevailing side may move for its reconsideration. A motion to reconsider final action by the County Commission on a resolution, ordinance or any other item or motion carried in the affirmative must be made before the effective date of the resolution, ordinance or other item or motion.

In the case of a resolution, ordinance or other item on which the Mayor may take action as provided in Section 2.06 of the Charter then the effective date shall be the date the resolution, ordinance or other item becomes effective under such section, with or without action by the Mayor. In the case of any item or motion for which action by the Mayor is not provided under Section 2.06 of the Charter, then the effective date is the later of (a) any deferred effective date provided in the item or motion; or (b) when there occurs the approval of the minutes of the session at which the item or motion was adopted. A motion to reconsider a question carried in the negative must be made before the approval of the minutes for the session in which the resolution, ordinance, item or motion was

voted upon. An affirmative vote of a majority of the membership of the County Commission is required in order to reconsider a question. A Commissioner who is absent or passes will not be entitled to make a motion to reconsider. Any Commissioner may second a motion to reconsider.

21. DECISIONS OF THE COUNTY COMMISSION TO BE ANNOUNCED BEFORE ADDITIONAL MOTIONS ARE MADE

After the Chair has put a question or after there has been a vote taken, the Chair shall not entertain a motion until a decision of the County Commission has been declared by the Chair.

22. MANNER OF VOTING

Immediately prior to the vote in any committee meeting the Chair shall put the question in this form, "All those Commissioners in favor of [the action] say signify by saying 'aye'; All those Commissioners who are opposed shall signify by saying 'nay'". In a County Commission session, the Chair of the County Commission shall instruct the Clerk to call the roll for the yeas and nays in the item.

23. CHANGE OF VOTE

Any Commissioner may change their vote before the result of the roll call is announced by the Chair. The vote of a Commissioner may be changed after the roll call is announced only if the change does not affect the result and is consented to by a majority of the Commissioners present.

24. COMMISSIONER MAY YIELD TIME

Any Commissioner having the floor may yield his allotted time to another, but not in excess of the time allowed the person yielding. No secondary yielding shall be permitted.

25. FAILURE OF COMMITTEE TO ACT

Any item referred to a committee may be placed on the agenda by a majority vote of the County Commission, if a regular or adjourned meeting of the County Commission shall have occurred and the committee has failed to forward the item to the County Commission for action.

26. UNBUDGETED EXPENDITURES

Any Resolution or Ordinance requiring an unbudgeted expenditure shall not be voted on without having first been referred to the Budget Committee and a recommendation, thereon, be made to the County Commission by the committee.

27. AMENDMENT OR SUSPENSION OF RULES

No standing rule of order of the County Commission shall be amended, except by a majority vote of the legally constituted body. Amendments shall take effect immediately upon adoption, except where provided otherwise by the County Commission. No standing rule of order of the County Commission shall be suspended, except by a vote of at least two-thirds (2/3) of the Commissioners present.

28. ROBERT'S RULES OF ORDER TO GOVERN

If any question arises which is not provided for in these rules, the same shall be governed by the current edition of Robert's Rules of Order, which is hereby adopted. If there be any conflict between these rules and Robert's, these rules shall prevail.

29. ABSTENTION FROM VOTING ON A QUESTION OF DIRECT PERSONAL INTEREST

In accordance with provisions of the Shelby County Charter, County Ethics Ordinance, and other applicable state law, a Commissioner should abstain from voting on any matter in which he or she has a direct personal interest or has a conflict of interest. The Commissioner should refrain from discussing the merits of any item on which he/she is recused either in the public discussion or in any private discussion leading toward a vote on the question.

30. CONSENT SECTION OF AGENDA

(a) Establishment of Consent Agenda. A Consent Section of the agenda is hereby established. All items listed in the Consent Section of the agenda may be read cumulatively and adopted by one vote, provided, however, that an objection by any one Commissioner will cause an item to be removed from the Consent Section of the agenda and handled in the normal manner.

(b) Consent Agenda Items. Items which may be considered for the Consent Section are:

- i. Ordinances being considered on first and second reading
- ii. Resolutions of memorial, sympathy and commendations
- iii. Resolutions approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer
- iv. Contract items where funds have been approved, allocated or appropriated in the Operating Budget or in the Capital Improvement Program
- v. Leases & Agreements
- vi. Developer refunds

- vii Delinquent Tax Property Sales
- viii Other items as approved by the Chair

(c) Items excluded from consent agenda. Items which will not be a part of the Consent Agenda Section are:

- i. Third reading and final approval on all Ordinances
- ii. Resolutions relating to all bond sales
- iii. Elections, Appointments
- iv. Resolutions approving the Annual County Operating Budget, CIP Budget, Debt Service Budget, School Board Budget, or Salary Policy Budget
- v. Resolutions relating to changes in the County Retirement System, Personnel Policies
- vi. Resolutions that transfer funds from the Unappropriated Contingency Fund
- vii. Resolutions that create new divisions or departments of County Government
- viii. Resolutions that approve contracts in which a bidder has filed a protest letter
- ix. Other items as approved by the Chair

(d) Votes on Consent Agenda. With the exception of recusals on individual Consent Agenda Items, which shall be announced at the time the committee report on a Consent Agenda Item is given, all votes on the Consent Agenda shall be aye, no, or abstain or recused on the entire Consent Agenda and votes on individual Consent Agenda Items will not be recorded.

31. PARLIAMENTARY OR PROCEDURAL MOTIONS

(a) Approval of Procedural Motions. Except as otherwise expressly provided in these Rules the Charter of Shelby County or any applicable law, all motions made in Committee and all parliamentary or procedural motions made in a meeting of the Commission shall require a majority vote of the Commissioners present and voting yea or nay on such motion for approval. Commissioners present who abstain or otherwise do not participate in the vote shall not be counted.

(b) Approval of Resolutions and Ordinances. All motions made in a meeting of the Commission for adoption or disposition of any resolution, ordinance or other item before the Commission shall require a majority vote of the membership of the County Commission, unless otherwise required by the Charter of Shelby County or other applicable law.

32. LAND USE CASES

(a) Limited Deferral By Right. In all Land Use Cases, the applicant and the opponents shall be entitled to only one deferral by right, for each side, whether at a land use committee or a meeting of the County Commission.

(b) Procedure for Deferral. All requests for deferral by right must be submitted in writing, and must be received by the County Commission, at least forty-eight (48) hours before the meeting at which the application is scheduled for consideration, provided, however, when the deferral is for an item to appear on a Monday agenda, it must be received by the commission office in writing by noon Thursday prior to the scheduled Monday meeting time.

(c) Permissive Deferral. Any additional deferral, or late request for a deferral by right, may be granted for good cause shown, by vote of a majority of commissioners present at the meeting at which the application is scheduled for consideration; provided, that no side may receive more than two deferrals, whether by right or discretionary, without the consent of at least two-thirds of the commissioners present at such meeting.

(d) Definitions. The following definitions are used for this rule:

(i) As used in this rule, “opponents” means:

- A. Any property owner who, pursuant to the zoning code, must be mailed notice of the application, or,
- B. If the zoning code does not require mailed notice of the application, then any owner of property lying within 1500 feet of the property lines of the site described in the application, or,
- C. An officer or designated representative of a neighborhood association whose membership is open to persons who reside within five miles of the site described in the application, or,
- D. Any such person’s attorney.

(ii) As used in this rule, “applicant” means:

- A. The applicant, or,
- B. The applicant’s designated representative.

33. This Rule was deleted pursuant to Resolution No. (#), adopted by the County Commission on (date). Intentionally left blank.

34. BACKGROUND REPORTS REQUIRED

In the event of any election or appointment by the Commission to any elected office of the state or county, a background report shall be required for each nominee and shall be obtained and communicated to each Commissioner prior to the Commission's vote on such appointment or election. Such background report shall include criminal convictions (except minor traffic offenses), indictments, outstanding warrants and such other matters, with respect to such jurisdictions and utilizing such procedures as the County Commission may from time to time provide by resolution duly adopted.

35. APPLICATION FOR APPOINTMENT TO ELECTED OFFICE

All Applicants for Appointment to Elected Office shall complete, execute and submit to the County Commission the Application Form attached as Exhibit "B" hereto.

36. SPECIAL MEETINGS

Special meetings of the County Commission may be called by the Chair and as provided for in Tennessee Code Annotated, Section 5-5-105.